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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,830	01/05/2004	Kei Yasuda	2003_1926A	4067
513 7590 01/02/2008 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			EXAMINER MONIKANG, GEORGE C	
			ART UNIT 2615	PAPER NUMBER
			MAIL DATE 01/02/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/750,830	<b>Applicant(s)</b> YASUDA ET AL.	
	<b>Examiner</b> George C. Monikang	<b>Art Unit</b> 2615	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 October 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 10/750,830.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/5/2004</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 10/4/2007 have been fully considered but they are not persuasive.
2. The applicant asserts that Rosenthal teaches only the telephone being able to communicate with the control server and the other devices such as the T.V. and radio do not communicate with the server. The examiner maintains his stands. The Rosenthal invention can control the T.V., dishwasher, CD players etc based on the interruption of a phone ring. To have the capability of muting the T.V. or CD player, the invention of Rosenthal has a capability of communicating with the T.V./CD players etc (Rosenthal, col. 1, lines 6-15; fig. 4: I/O ports).
3. The applicant argues that Chou et al fails to disclose changing an output state of an apparatus based on the distance between the apparatuses. The examiner maintains his stands. In Chou et al, the location of the microphone can be determined and based on this location, it is determined whether the loudness exceeds a threshold and if so, notification is sent that the sound levels are exceeded (Chou et al, col. 2, lines 7-25).

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 12-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenthal, US Patent 5,528,673, in view of Chou et al, US Patent 6,686,839 B2.

Re Claim 12, Rosenthal discloses an apparatus operating system including at least two apparatuses which provide output of the same type (col. 3, lines 66 through col. 4, line 3), and a control server capable of communicating with each of said at least two apparatuses (fig. 4: I/O ports), wherein each apparatus includes a communication section for transmitting to the control server a notification signal indicative of a pending change or a change in an output state of said at least two apparatuses (col. 3, lines 56-65), and wherein the control server includes: a control rule storage section having stored therein a control rule which associates an output state of one of said at least two apparatuses with an output state to be taken by another of said at least two apparatuses when said one of said at least two apparatuses is in said output state thereof (fig. 4: RAM, PROGRAM MEMORY etc; col. 3, lines 66 through col. 4, line 3); a determination section for receiving the notification signal from any one of said at least two apparatuses (col. 3, lines 56-65; col. 4, lines 10-20), and in response to the

notification signal, determining the output state to be taken by said another of said at least two apparatuses (col. 3, lines 56-65; col. 4, lines 10-20), based on the control rule; and an operating section for operating said another of said at least two so as to transition into the output state determined by the determination section (col. 3, lines 56-65; col. 4, lines 10-20); but fails to disclose a location-related information acquiring section for acquiring location-related information which is set in association with a location of each of said at least two apparatuses. However, Chou et al does (fig. 1: 140; col. 1, lines 35-43).

Taking the combined teachings of Rosenthal and Chou et al as a whole, one skilled in the art would have found it obvious to modify the apparatus operating system including at least two apparatuses which provide output of the same type (col. 3, lines 66 through col. 4, line 3), and a control server capable of communicating with each of said at least two apparatuses (fig. 4: I/O ports), wherein each apparatus includes a communication section for transmitting to the control server a notification signal indicative of a pending change or a change in an output state of said at least two apparatuses (col. 3, lines 56-65), and wherein the control server includes: a control rule storage section having stored therein a control rule which associates an output state of one of said at least two apparatuses with an output state to be taken by another of said at least two apparatuses when said one of said at least two apparatuses is in said output state thereof (fig. 4: RAM, PROGRAM MEMORY etc; col. 3, lines 66 through col. 4, line 3); a determination section for receiving the notification signal from any one of said at least two apparatuses (col. 3, lines 56-65; col. 4, lines 10-20), and in response to

the notification signal, determining the output state to be taken by said another of said at least two apparatuses (col. 3, lines 56-65; col. 4, lines 10-20), based on the control rule; and an operating section for operating said another of said at least two so as to transition into the output state determined by the determination section (col. 3, lines 56-65; col. 4, lines 10-20) of Rosenthal with a location-related information acquiring section for acquiring location-related information which is set in association with a location of each of said at least two apparatuses as taught in Chou et al (fig. 1: 140; col. 1, lines 35-43) so that the sound level of an apparatus can automatically be lowered upon the output sound from another apparatus.

Re Claim 13, the combined teachings of Rosenthal and Chou et al disclose the apparatus operating system according to claim 12, wherein said determination section is also for deriving from the location-related information a distance between said one of said at least two apparatuses and said another of said at least two apparatuses (Chou et al, col. 2, lines 7-25), and determining not to change the output state of said another of said at least two apparatuses if the distance (Chou et al, col. 2, lines 7-15), as derived from the location-related information, is equal to or greater than a predetermined distance (Chou et al, col. 2, lines 7-15).

Re Claim 14, the combined teachings of Rosenthal and Chou et al disclose the apparatus operating system according to claim 13, wherein said communication section of said one of said at least two apparatuses is for transmitting the notification signal when a user has performed an operation of changing the output state of said one of said at least two apparatuses (Rosenthal, col. 3, lines 56-65; col. 4, lines 10-20).

Re Claim 15, the combined teachings of Rosenthal and Chou et al disclose the apparatus operating system according to claim 14, wherein said communication section of said one of said at least two apparatuses is for transmitting the notification signal when the output state of said one of said at least two apparatuses temporarily changes for a predetermined time period (Rosenthal, col. 3, lines 56-65; col. 4, lines 10-20), said apparatus operating system further includes a state storage section for storing a pre-operation output state of said another of said at least two apparatuses (Rosenthal, fig. 4: PROGRAM MEMORY), and said operating section is for operating said another of said at least two apparatuses such that said another of said at least two apparatuses transitions into the output state determined by said determination section (Rosenthal, col. 3, lines 56-65; col. 4, lines 10-20), and after a lapse of the predetermined time period (Rosenthal, col. 3, lines 56-65; col. 4, lines 10-20), said operating section is for operating said another of said at least two apparatuses such that said another of said at least two apparatuses transitions into the pre-operation output state stored in said state storage section (Rosenthal, col. 3, lines 56-65; col. 4, lines 10-20).

Re Claim 16, the combined teachings of Rosenthal and Chou et al disclose The apparatus operating system according to claim 13, wherein said each of said at least two apparatuses is for outputting sound (Rosenthal, col. 3, lines 56-65; col. 4, lines 10-20), and the output state of said each of said at least two apparatuses corresponds to a level of sound outputted from said each of said at least two apparatuses (Rosenthal, col. 3, lines 56-65; col. 4, lines 10-20).

Re Claim 17, which further recites, "Wherein each apparatus is an air-conditioning and/or heating apparatus, and the output state corresponds to a temperature set by said each of said at least two apparatuses." Rosenthal and Chou et al do not explicitly disclose the output state corresponding to a temperature as claimed. Official notice is taken that both the concept and advantages of providing the output state corresponding to a temperature is well known in the art. It would have been obvious to modify the system to control temperature since the audio determination can be changed to a temperature determination for the benefit of controlling the temperature in a room when multiple appliances are operating.

Re Claim 18, the combined teachings of Rosenthal and Chou et al disclose the apparatus operating system according to claim 13, wherein said communication section of said one of said at least two apparatuses is for transmitting the notification signal when there is a pending increase or an increase of output of said one of said at least two apparatuses (Rosenthal, col. 3, lines 56-65; col. 4, lines 10-20), the control rule associates the pending increase or increase of the output of said one of said at least two apparatuses with a reduction of output of said another of said at least two apparatuses (Rosenthal, col. 3, lines 56-65; col. 4, lines 10-20), and said determination section is for determining the output state of said another of said at least two apparatuses so as to reduce output of said another of said at least two apparatuses (Rosenthal, col. 3, lines 56-65; col. 4, lines 10-20).

Re Claim 19, the combined teachings of Rosenthal and Chou et al disclose the apparatus operating system according to claim 13, wherein the control rule associates



an output state to be taken by said one of said at least two apparatuses with a condition for operating said one of said at least two apparatuses so as to transition into this output state (Rosenthal, col. 3, lines 56-65; col. 4, lines 10-20), said determination section is to use the location-related information to determine whether the condition is satisfied (Chou et al, fig. 1: 140; col. 1, lines 35-43), and said operating section is for operating said another of said at least two apparatuses only when said determination section determines that the condition is Satisfied (Rosenthal, col. 3, lines 56-65; col. 4, lines 10-20).

Re Claim 20, the combined teachings of Rosenthal and Chou et al disclose the apparatus operating system according to claim 13, wherein the control rule is to be changed in accordance with time (Rosenthal, col. 3, lines 56-65; col. 4, lines 10-20), and said determination section is for determining the output state to be taken by said another of said at least two apparatuses based on the control rule and the location-related information (Chou et al, fig. 1: 140; col. 1, lines 35-43), with the control rule being associated with a time at which the notification signal is received (Rosenthal, col. 3, lines 56-65; col. 4, lines 10-20).

Re Claim 21, the combined teachings of Rosenthal and Chou et al disclose the apparatus operating system according to claim 12, wherein said communication section of said one of said at least two apparatuses is for transmitting the notification signal when a user has performed an operation of changing the output state of said one of said two apparatuses (Rosenthal, col. 1, lines 6-15).

Claim 22 has been analyzed and rejected according to claims 15 & 21.

Claim 23 has been analyzed and rejected according to claim 16.

Claim 24 has been analyzed and rejected according to claim 17.

Claim 25 has been analyzed and rejected according to claim 18.

Claim 26 has been analyzed and rejected according to claim 19.

Claim 27 has been analyzed and rejected according to claim 20.

Claim 28 has been analyzed and rejected according to claims 12-13.

Claim 29 has been analyzed and rejected according to claims 12-13.

Claim 30 has been analyzed and rejected according to claims 12-13.

Claim 31 has been analyzed and rejected according to claims 12.

Claim 32 has been analyzed and rejected according to claims 13.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Monikang whose telephone number is 571-270-1190. The examiner can normally be reached on M-F. alt Fri. Off 7:30am-5:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

George Monikang

12/24/2007

  
XU MEI  
PRIMARY EXAMINER